

REMARKS

Reconsideration of the present application, as amended, is respectfully requested.

Claims 1-3 and 5-11 are currently pending in this application, with Claims 1, 6, and 11 being the independent claims. As indicated above, Claims 1, 5, 6, and 11 have been amended, and Claim 4 has been cancelled without prejudice.

In the Office Action, Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,381,465 B1 to *Chern et al.* in view of U.S. Patent Application Publication No. 2003/0181201 A1 to *Bomze et al.*

Regarding the §103(a) rejection of independent Claims 1, 6, and 11, again, the Examiner asserts that *Chern* teaches every limitation of Claim 1 with the exception of storing advertisement schedule data and displaying the advertisement according to the schedule data, which the Examiner asserts is taught by *Bomze*.

Additionally, it is noted that the Examiner found the arguments presented in the response to the previous Office Action to be unpersuasive. Specifically, the Examiner again asserts that paragraph [0045] of *Bomze* teaches that the planned presentation of advertisements in the mobile terminal is based upon the occurrence of “events and/or activities.” However, it is respectfully submitted that the Examiner is incorrect.

More specifically, Claim 1 recites a method for reducing a call fee by improving the efficiency of mobile communication by utilizing a short message service (SMS) in a portable mobile terminal to display an advertisement. Advertisement data and advertisement schedule data are received from an SMS-based advertisement service provider and stored. The advertisement data is displayed on a portable mobile terminal according to the advertisement schedule data.

As admitted by the Examiner, *Chern* discloses appending an advertisement to an SMS message if there is sufficient space remaining for the advertisement within the SMS message, but fails to disclose the displaying of advertisement data at a time according to advertisement schedule data. The Examiner asserts this deficiency is cured by *Bomze*.

However, as clearly indicated in paragraph [0045], a meta-category of *Bomze* is used to attach the advertisement to existing information in a device and allows the advertisement to be displayed if correlated information is presented to a user on the display. *Bomze* fails to disclose that advertisement data is displayed at a time according to advertisement schedule data, as recited in Claim 1.

Further, the Examiner has repeatedly stated that “events and/or activities” are the same as a time according to the advertisement schedule data. However, it is respectfully submitted that the *existing* events and/or *existing* activities recited are not the same as “a time.” For example, according to the present invention, when advertisement schedule data indicates the time for displaying the advertisement data is Tuesday, July 29, 2008, at 12:00 PM, the advertisement data is displayed on Tuesday, July 29, 2008, at 12:00 PM. However, according to *Bomze*, the metadata indicates an existing event or activity within the device, the occurrence of which will trigger the displaying of the advertisement data. However, this existing event or activity could happen at any time, not a time specified by the advertisement schedule data. Therefore, it is respectfully submitted that the “events and/or activities” of *Bomze* are not the same as “a time”, as recited in Claim 1, and accordingly, *Bomze* does not teach advertisement data is displayed at a time according to advertisement schedule data, as recited in Claim 1.

Additionally, as indicated above, independent Claim 1 has been amended to more clearly differentiate the advertisement schedule data from *Chern* in view of *Bomze*, i.e., the advertisement schedule data includes start time information of the advertisement, expiration time information of the advertisement, and display day information of the advertisement. Although the Examiner cites the “rotation time information” of *Bomze* as teaching these components of the advertisement schedule data, it is respectfully submitted that the rotation information merely

indicates whether the advertisement in should be displayed in a rotation with other advertisements. Therefore, it is respectfully submitted that *Bomze* does not teach the advertisement schedule data includes start time information of the advertisement, expiration time information of the advertisement, and display day information of the advertisement.

Accordingly, based on the arguments and amendments above, it is respectfully submitted that independent Claim 1 is patentably distinct over *Chern* in view of *Bomze*, and it is respectfully requested that the rejection be withdrawn.

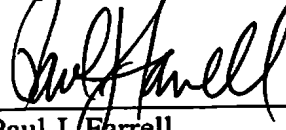
Independent Claims 6 and 11 recite similar features to those discussed in Claim 1. Accordingly, in view of the above, Claims 6 and 11 are also believed to patentable over *Chern* in view of *Bomze*. Accordingly, it is respectfully requested that the rejections of Claims 6 and 11 are withdrawn.

For the above reasons, we believed that independent Claims 1, 6, and 11 are in condition for allowance.

Regarding Claims 2, 3, 5, and 7-10, while not conceding the patentability of the dependent claims, per se, Claims 2, 3, 5, and 7-10 are also allowable for at least the above reasons. Accordingly, Applicant asserts that Claims 1-3 and 5-11 are allowable over *Chern* and *Bomze*, and the rejection under 35 U.S.C. §103(a) should be withdrawn.

Therefore, in view of the preceding amendments and remarks, it is respectfully submitted that all of the claims pending in the Application, namely, Claims 1-3 and 5-11, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", written over a horizontal line.

Paul J. Farrell
Registration No. 33,494
Attorney for Applicant(s)

THE FARRELL LAW FIRM, P.C.
333 Earle Ovington Blvd., Ste. 701
Uniondale, New York 11553
(516) 228-3565